

## **PUBLIC**

**MINUTES** of the meeting of the **DERBYSHIRE COUNTY COUNCIL** held on 4 June 2014 at County Hall, Matlock

### **PRESENT**

Councillor Mrs Janet A Hill (In the Chair)

Councillors D Allen, Mrs E Atkins, S A Bambrick, Mrs G Birkin, Ms C Bisknell, Mrs S L Blank, Mrs M W Booth, A Botham, S J Bradford, S Brittain, W Burrows, K Buttery, Mrs D W E Charles, Mrs L M Chilton, D Collins, Mrs C M Cox, J A Coyle, R Davison, J E Dixon, P Dunn, S J Ellis, M Ford, S Freeborn, J A Frudd, K Gillott, D T Greenhalgh, Mrs C A Hart, Ms Julie A Hill, R L Hosker, Mrs J M Innes, P Jones, T A Kemp, Mrs K D Lauro, A I Lewer, B Lewis, D W Lomax, M V Longden, S Marshall-Clarke, W Major, D McGregor, R R Mihaly, C R Moesby, K P Morgan, C E Neill, J R Owen, R A Parkinson, Mrs J E Patten, Mrs I Ratcliffe, B Ridgway, P J Smith, T Southerd, S A Spencer, Mrs J S Street, Mrs J A Twigg, D Walton, Ms A Western, D J Wilcox, E S Wilcox, D A Williams, J G Williams and B Wright.

**42/14      APOLOGIES FOR ABSENCE** Apologies for absence were submitted on behalf of Councillors Mrs M Stockdale and M Tomlinson.

**43/14      DECLARATIONS OF INTEREST** The Director of Legal Services advised on the need to declare an interest in the consideration of Agenda item 8(b) – Code of Conduct for Members – Declarations of Interests. In response, Members the following declarations were made:-

Councillor Ms A Western declared a personal interest as a member of the Children and Young People Board at the LGA, membership of the D2N2 Local Enterprise Partnership and membership of the D2 Joint Committee.

Councillor D J Wilcox declared a personal interest as a member of the National Trust.

Councillor Ms C Bisknell declared a personal interest as a member of the D2 Joint Committee.

**44/14      CHAIR'S ANNOUNCEMENTS**      The      following announcements were made:-

(1)      The Chair welcomed Councillor D J Wilcox to his first meeting for some time as he had been unwell. As a result of his ill health, Councillor Wilcox had regrettably decided to stand down as Chair of the Council

with immediate effect. As Councillor Wilcox was in attendance at the meeting, a decision approving his absence was no longer required and the report at agenda item 8(a) was therefore withdrawn.

(2) The Chair congratulated Councillor P Jones who was Leader designate of Amber Valley Borough Council after Labour gained control of the Council at the local council elections.

(3) Councillor A I Lewer was congratulated on his election as a Member of the European Parliament at the recent European Elections. As a result of his election as an MEP, he had stood down as Leader of the Conservative Group. Councillor B Lewis had been appointed as the new Leader of the Conservative Group.

(5) The Chair welcomed Mr Takashi Hirata from Toyota City Council, who was in Derbyshire as part of the employee exchange programme to help develop the link between Derbyshire and Toyota City in terms of economic, educational and cultural aspects.

(6) Derbyshire Community Health Services NHS Trust, in partnership with Derbyshire County Council children centres, had passed the national UNICEF Baby-Friendly Stage 3 accreditation for the quality of support and information given to new mums to enable them to breastfeed, and the welcoming standards in their premises. Victoria Cummings, Public Health Manager was introduced and Members showed their appreciation.

(7) The Council meeting scheduled in the timetable for 30 July 2014 was to be cancelled.

**45/14**        **MINUTES OF THE PREVIOUS MEETING** On the motion of Councillor Mrs Janet A Hill, duly seconded,

**RESOLVED** that the minutes of the meeting of Council held on 9 April 2014 be confirmed.

**46/14**        **REPORT OF THE LEADER OF THE COUNCIL**  
Councillor Ms A Western, Leader of the Council, reported on the progress made at Markham Vale, the concordat agreement with High Peak Borough Council on joint working, the recent visit from Toyota City, the submission of the Strategic Economic plan to the Government, the establishment of the D2 Joint Committee and changes to the Council's senior management arrangements.

**47/14**        **PUBLIC QUESTIONS**

(1) Question to Councillor C Neill, Cabinet Member for Adult Social Care from Mrs W Prati. Mrs Prati was not present at the meeting and the question was asked on her behalf by the Chair.

As a parent I want to make sure that my vulnerable disabled son is protected and supported to live a normal life just like you and me. Yet I am now having to protect my son from Central Government and Local Government. You should refuse to impose cuts and stand up against injustice. Your proposals to move the goal posts around care and support for people with Autism and Learning Disabilities will have a devastating effect. The damage will be so bad that we see a massive increase in mental health, homelessness and bed blocking within our under-funded NHS.

I thought that Councillors and politicians were supposed to serve and genuinely want to improve the lives of the most vulnerable in our society yet I fear you are all driven by power and greed. Are you all happy with your large pay rises?

Councillor Neill responded as follows:-

I have met both Mr and Mrs Prati and spoken at length about the situation that the Council is in and, in turn, she has given me an insight as to what it is like to be a parent of a person with learning disabilities.

The role of the public sector is to support those in need of help, those who need help to maintain their own independence and, as a consequence, any cut to our budget will impact on the most vulnerable, yet that is what this Government is doing to the people of Derbyshire. Wendy suggests that I should refuse to impose the cuts and I would love to do this but, if I did, Eric Pickles would send his hit squad to run this Council and they would not put as much energy and time trying to mitigate the impact of the cuts as I have done, and will continue to do.

Before I move on to talk about the increase in mental health, homelessness and bed blocking, I would just like to say that the goal posts around care and support are being moved by this Government. The Care Act increases the minimum threshold to substantial. Wendy suggests that the cuts will have a devastating effect. I agree. I have spoken to many individuals who are truly worried for their life.

On the issue of mental health, myself and my Deputy, Rob Davison, met last week with Mary McElvaney and Andrew Milroy, the Chief Executive and the Chief Operating Officer of the Mental Health Trust. We shared with them the results of the consultation responses on Housing Related Support, those relevant to mental health, and as a consequence we have agreed to do joint assessments of those

individuals who potentially could lose a service if we decommission any of our contracts. We will also do this in partnership with the existing providers, who we have a really good relationship with. We have also agreed to work together to design what the offer would be for those individuals and who ultimately provides it, and while we can do this I have to face the likelihood that some people will lose a service and there will be dire consequences if they do.

On homelessness, I would like to remind the Council that at the budget meeting we voted to support our Homelessness Service through the increase in business rates that we had not anticipated to the tune of £450,000, which the Opposition benches refused to do, despite them bringing a motion on the same issue at the same meeting.

When Wendy mentions the “under-funded NHS” she is right. There is the will in Derbyshire to integrate around the whole person and to be radical in so doing and, if we don’t, the health and social care system will collapse. I reject wholeheartedly the assertion that I am “driven by power and greed”. I left a full-time job in the NHS to take up this position and I have lost a significant portion of income as a result, and, even as Cabinet Member, I sometimes feel as powerless as Wendy does, powerless in the face of the Conservative bulldozer that is insisting on ploughing through our public sector in this country.

For the record, I would also like to confirm that I did not accept the 1% pay rise, pitiful as it is, that we have awarded to our staff. None of the Labour nor Lib Dem councillors did. It is a shame I can’t say the same for the Conservative members. I would also like to state for the record that I don’t claim travel expenses so I cost less to this Authority than my Conservative predecessor.

(2) Question to Councillor A Western, Cabinet Member for Strategic Policy and Budget from Mr R Prati. Mr Prati was not present at the meeting and the question was asked on her behalf by the Chair.

It seems like you would rather make the most vulnerable people pay a huge price for being disabled than tell Eric Pickles to cut his huge tea and biscuits bill, which amounts to £ 76,000 ! It's about time that you all had a reality check and do what you are paid to do and that is to deliver quality services to those people that need it. The working man and woman in this country pay their taxes at source straight into the pot not into tax avoidance scams. So stand up and be counted and tell Cameron to get them millionaires to pay up and pay into the pot so that we can look after our most vulnerable in society. Stop putting the blame and burden on them folks that cannot fight back.

So what are you going to do about protecting the most vulnerable in our society?

Councillor Western responded as follows:-

There is a lot in the sentiment of this question that I agree with. I agree wholeheartedly that people work hard and pay tax and it is disappointing to say the least when we see individual millionaires and large corporations finding ways by employing expensive tax accountants to avoid paying a reasonable share of tax when they make their income and their profits from this country and from people like Mr Prati and ourselves, so I do share a lot of the sentiment. I think a lot of my answer echoes what Councillor Neill has just said.

We are trying with every minute we have available to us to protect the most vulnerable people in Derbyshire, we are putting a huge amount of effort into that, but when you have funding cuts on the scale that we see here and across the country, £157m worth of funding cuts in Derbyshire (I know the Conservatives don't like to hear that but that is the truth of it) when you have cuts on this scale then it is virtually impossible to exempt any service from that.

We were elected to deliver quality services. I am pleased to say that Derbyshire County Council has a long record of delivering very high quality services over many many years. In lots of cases they are of a higher standard and more accessible to more people than other parts of the country. We are having to scale that back now, regrettably, but we are probably still providing in some cases services above and beyond what other Councils do. That is no comfort if you have had a service in Derbyshire and that service has been reduced, I appreciate that, but we were elected to run this Council and that is what we must do with the resources that are available to us. We are taking every opportunity we can to find alternative sources of funding so that we can eke out what we have from the Government.

I agree with Mr Prati's sentiment. I think he is asking his question though to the wrong people. He ought to be taking that question to his MP and he ought to be making his news known in the ballot box next year

(3) Question to Councillor K Gillott, Cabinet Member for Children and Young People from Miss W Phillips. Miss Phillips was not present at the meeting and the question was asked on her behalf by the Chair.

In view of the fact that Derbyshire County Council has said that Derbyshire Residents may be forced to choose between either a restricted range of services at Sure Start Centres, or paying for some

services, or the closure of some or all Centres, it is essential that residents who are being consulted on these options know absolutely fully what services are provided in the Centres and what the cost of axing them would be. Can you therefore please tell me what are the full range of services that are provided by each and every one of the individual Sure Start Centres, plus the cost to Social Services, the NHS, the Education Service and the Police Service of axing, or cutting back or charging for use of our Children's Centres calculated a) per Council ward area b) per capita, and c) per household?

Councillor Gillott responded as follows:-

Without any co-ordination of responses, I think we are all giving a similar message here because I too am disappointed that Miss Phillips has not come because, had she come, I would have liked to have met her and thanked her for asking the question because it seems to me we are not talking about the cuts enough. The more we talk about the cuts and the £157m that the Tories are taking off this Council the more people understand the full horror of what they are now inflicting on the people of Derbyshire, and the more people realise what effect that is having on ordinary citizens in this county the more I am finding they are determined to go out and vote next year and make sure that we get rid of this rotten government.

It is important that people do ask the questions and it gives me an opportunity also to comment on what many people are saying, that there is no difference between the Labour administration here and the Tories. That is clearly not true. When it comes to the cuts they believe in the cuts. That is their ideology. They believe the State should be shrunk. They believe that the public sector should be dismantled and/or privatised. They would continue with the cuts whatever the state of the economy. That is not our view. We are imposing the cuts not because we want to but because we have to. The people of Derbyshire elected us to lead this Authority last year and they elected us by a landslide. They expect us to act responsibly and they expect us to act within the democratic society that we live in and we will do that. People who urge us not to do that, people who urge us to defy the law and defy the will of Parliament to act irresponsibly do their cause or our cause no good. The people of Derbyshire do not want that and we would certainly not go down that route.

As to the question itself, it talks about the closure of *all* Children's Centres in Derbyshire. I want to make it clear that there are no proposals to close *all* Children's Centres in Derbyshire. As part of our contribution towards £157m, it looks like we are going to have to take over £1m out of the Children's Centres' budget. I have to be realistic

and honest with people and that may well mean the loss of some Children's Centres.

She asks for a whole series of statistical information and it is not possible to give her the answers she wants. We don't keep a lot of that information ourselves, it is kept by our partners. Some of it cannot be calculated anyway, and for me to stand here and go through all the services that each of our 54 Children's Centres provide would take at least an hour if not longer, that is the level of service we are providing to our communities, but if we do reach the stage of having to close some Children's Centres then we will go through Phase 2 of the consultation. We will identify those Centres. We will identify what services they will provide and we will provide much of the information that Miss Phillips requests. In the meantime I would direct her or anybody else who wants to know what the Children's Centres do to look at the website where much of that information is provided, or indeed to go into the Children's Centres themselves, talk to the staff and talk to the people who use them.

The thing I certainly don't deny though is that the loss of the preventative services that the Children's Centres and the rest of the Care Services provide will have a major serious impact on the people of Derbyshire. It may save money in the short-term but in the long-term it will cost more. That is the madness of Tory cuts. Those who oppose that, and I would include Miss Phillips in that, yes, come and ask us questions, come and challenge us about it that is right and proper, but take it up with your MPs. In particular take it up with your Tory MPs who have voted for this and yet who complain when the cuts take place. Hypocrisy in itself.

The last point I would like to make is I don't want to get involved in a debate over the cost of the cuts either. As important as that is there is more to it than that because the real cost is not money it is about the impact on people's lives. The hidden costs that most people never see, the people who suffer or don't get the opportunity to grow and develop in life, that is the real cost of the cuts. That is why we are here. That is why we are in control. We will do our best to mitigate the cuts and I am sure next year the people of Derbyshire will join us and get rid of this rotten Government

(4) Question to Councillor C Neill, Cabinet Member for Adult Social Care from Mr M Prati. Mr Prati was not present at the meeting and the question was asked on her behalf by the Chair.

I think what Cameron is doing to disabled people is wrong and Derbyshire County Council should not put up care charges. It will affect my friends, people with Learning Disabilities will not be able to live

independently if they do not get the support and care they need. All disabled people think the same we should have the right to choose to live our life's with the right care. Putting charges up taking money off me because I am disabled is wrong. I feel like you are stealing my life and my friends' life. Are you going to fight for me and my disabled friends?

Councillor Neill responded as follows:-

You won't be surprised to learn that I agree with him that what Cameron is doing is wrong. On the issue of charges, I wouldn't even be considering putting up charges if it wasn't for the fact that this Conservative Government and their Lib Dem friends are stealing £157m from the people of Derbyshire. I will stand shoulder to shoulder with anybody willing to fight this Government.

He asked specifically what I am going to do and I will commit to do three things: to continue to work with partners to mitigate the impact of the cuts while building a movement against the Government cuts, at the same time working out a radical transformation of health and social care that transfers money from the bureaucracy to the frontline.

**48/14      RECEIPT OF PETITIONS**      No petitions had been received.

**49/14      CODE OF CONDUCT FOR MEMBERS –  
DECLARATIONS OF INTEREST**      The Standards Committee had considered the Motion relating to the registration of interests by Members which was approved by the Council on 9 April 2014.

The Standards Committee agreed that the appropriate way in which the Code of Conduct may be amended to reflect the Motion would be to add to paragraph 2(a) of the Code the relevant wording of the Motion so that it would read as follows (with the additional wording highlighted in italics):-

“(iii) Any trade union of which you are a member *and membership of pressure groups, the Freemasons or other influential bodies of which you are a member.*”

The motion was moved by Councillor Ms A Western and duly seconded. The motion was debated.

Moved by Councillor Ms A Western, duly seconded, that the vote be now put. The motion was carried.

The original motion was put to the vote and was carried.



**RESOLVED** that the Council agrees to an amended paragraph 2(a)(iii) of the Code of Conduct for Members as set out above.

**50/14      WAIVER OF CALL-IN PROVISIONS** On the motion of Councillor Ms A Western, duly seconded,

**RESOLVED** to note the report on the agreements to waive the call-in provisions.

**51/14      PRESENTATIONS**      There were no presentations made.

**52/14      REPORT OF CABINET AND MEMBERS' QUESTIONS ON THE REPORT** Councillor Ms A Western, Leader of the Council, presented a report on the decisions that had been taken at meetings on Cabinet held on 15 April and 6 May 2014.

A question had been received from Councillor W Major to Councillor C Neill, Cabinet Member for Adult Social Care on Extra Care (Item 5, Cabinet - 6 May 2014) as follows:-

Could the Cabinet Member tell us: a) The breadth and scope of the consultation? and (b) How much would it cost to refurbish the care home discussed in the report to bring them into the 21st century and how does the Cabinet member believe this will be funded?

Councillor Neill responded as follows:-

The first part of your question asks about the breadth and scope of the consultation that will take place because the contract your administration signed failed. I have asked officers to work up plans for a fully inclusive engagement exercise in each of our eight District and Boroughs and we will also be setting up a Stakeholder Reference Group to help us develop those proposals, which will include Gill Ferguson. The issue that they will be discussing during the engagement exercise is what is the right balance of investment for each of those areas, choosing between spend on Derbyshire County Council owned and managed residential care homes, adaptations and services that keep people living independently in their own home and, of course, Extra Care.

On the second part of your question there is no care home mentioned in the report before us today.

A supplementary question was asked by Councillor Major as follows:-

I am pleased that it seems to add depth and scope to the consultation, unlike the one on Beechcroft which we did whatever Gill Ferguson wanted us to do. I do worry that we are getting to the point where Adult Care policy is proposed by somebody who speaks the loudest in the local community and we don't consult the wider public. I hope it is different this time but I will wait to see that.

The Cabinet Member clearly knows which care homes I am discussing. She knows I am talking about the 15 that were earmarked for closure if Phase 2 was to go ahead. I would like to know what she proposes to do with those care homes? I heard her on the radio this morning talking about a care home that was not fit for purpose. Some of these care homes are no longer fit for purpose and they need urgent money spending on them if they are going to be kept open. I think it was a very fair question how she is planning on doing that and I hope she can answer that question now, but I do worry that she is in a situation where she now has no plan for how to deal with Adult Care and she is just lurching from one crisis to the next.

Councillor Neill responded as follows;

Just a point of clarification. I did not use the words that the Southlands was "not fit for purpose", that was the journalist.

On the motion of Councillor Ms A Western, duly seconded,

**RESOLVED** that the report be noted.

**53/14        COUNCILLOR QUESTIONS**        There were no Councillor Questions.

**54/14        QUESTIONS ON THE FUNCTIONS OF THE DERBYSHIRE FIRE AUTHORITY**        No questions had been received.

**55/14        NOTICES OF MOTION**

(a) Moved by Councillor Mrs I Ratcliffe, duly seconded,

That this County Council commits to becoming a Fairtrade County Council and when it achieves the five goals required, seeks certification from the Fairtrade Foundation.

The motion was debated, put to the vote and declared to be carried.

**RESOLVED** that this County Council commits to becoming a Fairtrade County Council and when it achieves the five goals required, seeks certification from the Fairtrade Foundation.

(b) Moved by Councillor A Botham, duly seconded,

This Council believes that all work should be fairly rewarded and therefore opposes any introduction of schemes that force job seekers into unpaid work or face losing benefits.

This Council is concerned that there is no evidence that the schemes, known as Workfare, assist job seekers in finding paid employment. We believe that working a 30-hour week, unpaid, makes the task of finding meaningful employment even more difficult. Workfare is replacing paid work, stigmatises benefit claimants and locks them into further poverty.

This Council pledges not to use any Workfare placements and will also encourage all DCC contractors and suppliers to do the same.

The motion was debated, put to the vote and declared to be carried.

**RESOLVED** that this Council believes that all work should be fairly rewarded and therefore opposes any introduction of schemes that force job seekers into unpaid work or face losing benefits.

This Council is concerned that there is no evidence that the schemes, known as Workfare, assist job seekers in finding paid employment. We believe that working a 30-hour week, unpaid, makes the task of finding meaningful employment even more difficult. Workfare is replacing paid work, stigmatises benefit claimants and locks them into further poverty.

This Council pledges not to use any Workfare placements and will also encourage all DCC contractors and suppliers to do the same.

(c) Moved by Councillor J Owen, duly seconded,

This Council notes with great sadness and shock, the recent mining disaster in Soma, Turkey. Derbyshire has a proud history of coal mining and we are fully aware of the impact on mining communities when such disasters happen.

This Council requests that the Leader of Derbyshire County Council conveys our sympathy and support to the people of Soma at this tragic time.

The motion was debated, put to the vote and declared to be carried.

**RESOLVED** that the Leader of conveys our sympathy and support to the people of Soma at this tragic time.

**56/14      MINUTES OF MEETINGS OF COMMITTEES AND OTHER BODIES**      On the motion of Councillor Mrs Janet A Hill, duly seconded,

**RESOLVED** that the minutes of the following meetings be received:-

- (a) Regulatory – Licensing and Appeals Committee held on 14 April 2014.
- (b) Regulatory – Planning Committee held on 7 April and 12 May 2014.
- (c) Pensions and Investment Committee held on 19 March 2014.
- (d) Audit Committee held on 25 March 2014.
- (e) Standards Committee held on 7 May 2014
- (f) Improvement and Scrutiny Committee - People held on 14 May 2014.
- (g) Improvement and Scrutiny Management Committee held on 23 April 2014.
- (h) Health and Wellbeing Board held on 3 April 2014.
- (i) Derbyshire Police and Crime Panel held on 27 March 2014.
- (j) Derbyshire Fire and Rescue Authority held on 13 February 2014.
- (k) D2 Joint Committee for Economic Prosperity.